

106TH CONGRESS
1ST SESSION

H. J. RES. 54

Granting the consent of Congress to the Missouri-Nebraska Boundary Compact.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 1999

Ms. DANNER (for herself and Mr. BEREUTER) introduced the following joint resolution; which was referred to the Committee on the Judiciary

JOINT RESOLUTION

Granting the consent of Congress to the Missouri-Nebraska Boundary Compact.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*

3 **SECTION 1. CONGRESSIONAL CONSENT.**

4 The Congress consents to the Missouri-Nebraska
5 Boundary Compact entered into between the States of
6 Missouri and Nebraska. The compact reads substantially
7 as follows:

1 “MISSOURI-NEBRASKA BOUNDARY COMPACT

2 “ARTICLE I

3 “FINDINGS AND PURPOSES

4 “(a) The states of Missouri and Nebraska find that
5 there are actual and potential disputes, controversies,
6 criminal proceedings and litigation arising or which may
7 arise out of the location of the boundary line between the
8 states of Missouri and Nebraska; that the Missouri River
9 constituting the boundary between the states has changed
10 its course from time to time, and that the United States
11 Army Corps of Engineers has established a main channel
12 of such river for navigation and other purposes, which
13 main channel is identified on maps jointly certified by the
14 state surveyors of Missouri and Nebraska and identified
15 as the “Missouri-Nebraska Boundary Maps”, which maps
16 are incorporated in this act and made part of this act by
17 reference, and which maps shall be filed with the secre-
18 taries of state of Missouri and Nebraska.

19 “(b) It is the principal purpose of the states of Mis-
20 souri and Nebraska in executing the compact to establish
21 an identifiable compromise boundary between the state of
22 Missouri and the state of Nebraska for the entire distance
23 thereof as of the effective date of the compact without
24 interfering with or otherwise affecting private rights or ti-
25 tles to property, and the states of Nebraska and Missouri

1 declare that further compelling purposes of the compact
2 are—

3 “(1) to create a friendly and harmonious inter-
4 state relationship;

5 “(2) to avoid multiple exercise of sovereignty
6 and jurisdiction including matters of taxation, judi-
7 cial and police powers and exercise of administrative
8 authority;

9 “(3) to encourage settlement and disposition of
10 pending litigation and criminal proceedings and
11 avoid or minimize future disputes and litigation;

12 “(4) to promote economic and political stability;

13 “(5) to encourage the optimum mutual bene-
14 ficial use of the Missouri River, its waters and its
15 facilities;

16 “(6) to establish a forum for settlement of fu-
17 ture disputes;

18 “(7) to place the boundary in a location which
19 can be identified or located; and

20 “(8) to express the intent and policy of the
21 states that the common boundary be established
22 within the confines of the Missouri River and both
23 states shall continue to have access to and use of the
24 waters of the river.

1 “ARTICLE II

2 “ESTABLISHMENT OF BOUNDARY

3 “The permanent compromise boundary line between
4 the states of Missouri and Nebraska shall be fixed at the
5 center line of the main channel of the Missouri River as
6 of the effective date of the compact, except for that land
7 known as McKissick’s Island as determined by the Su-
8 preme Court of the United States to be within the state
9 of Nebraska in the case of Missouri v. Nebraska, 196 U.S.
10 23, and 197 U.S. 577, all of which is identified on maps
11 jointly prepared and certified by the state surveyors of
12 Missouri and Nebraska and identified as the ‘Missouri-Ne-
13 braska Boundary Compact Maps’, incorporated in this act
14 and made a part of this act by reference, and which maps
15 shall be filed with the secretaries of state of Missouri and
16 Nebraska. This center line of the main channel of the Mis-
17 souri River between the states is also described in this act
18 by metes and bounds on the ‘Missouri-Nebraska Boundary
19 Compact Maps’ incorporated in this act by reference and
20 made a part of this act. This center line of the main chan-
21 nel of the Missouri River as described on such maps shall
22 be referred to as the ‘compromise boundary’.

23 “ARTICLE III

24 “RELINQUISHMENT OF SOVEREIGNTY

25 “The state of Missouri hereby relinquishes to the
26 state of Nebraska all sovereignty over all lands lying on

1 the Nebraska side of such compromise boundary and the
 2 state of Nebraska hereby relinquishes to the state of Mis-
 3 souri all sovereignty over all lands lying on the Missouri
 4 side of such compromise boundary except for that land
 5 known as McKissick’s Island which is identified on the
 6 ‘Missouri-Nebraska Boundary Compact Maps’ incor-
 7 porated in this act by reference and made a part of this
 8 act.

9 “ARTICLE IV

10 “PENDING LITIGATION

11 “Nothing in the act shall be deemed or construed to
 12 affect any litigation pending in the courts of either of the
 13 states of Missouri or Nebraska as of the effective date of
 14 the compact concerning the title to any of the lands, sov-
 15 ereignty over which is relinquished by the state of Missouri
 16 to the state of Nebraska or by the state of Nebraska to
 17 the state of Missouri and any matter concerning the title
 18 to lands, sovereignty over which is relinquished by either
 19 state to the other, may be continued in the courts of the
 20 state where pending until the final determination thereof.

21 “ARTICLE V

22 “PUBLIC RECORDS

23 “(a) The public record of real estate titles, mortgages
 24 and other liens in the state of Missouri to any lands, the
 25 sovereignty over which is relinquished by the state of Mis-
 26 souri to the state of Nebraska, shall be accepted as evi-

1 dence of record title to such lands, to and including the
 2 effective date of such relinquishment by the state of Mis-
 3 souri, by the courts of the state of Nebraska.

4 “(b) The public record of real estate titles, mortgages
 5 and other liens in the state of Nebraska to any lands, the
 6 sovereignty over which is relinquished by the state of Ne-
 7 braska to the state of Missouri, shall be accepted as evi-
 8 dence of record title to such lands, to and including the
 9 effective date of such relinquishment by the state of Ne-
 10 braska, by the courts of the state of Missouri.

11 “(c) As to lands, the sovereignty over which is relin-
 12 quished, the recording officials of the counties of each
 13 state shall accept for filing documents of title using legal
 14 descriptions derived from the land descriptions of the
 15 other state. The acceptance of such documents for filing
 16 shall have no bearing upon the legal effect or sufficiency
 17 thereof.

18 “ARTICLE VI

19 “TAXES

20 “(a) Taxes lawfully imposed by either Missouri or Ne-
 21 braska may be levied and collected by such state or its
 22 authorized governmental subdivisions and agencies on
 23 land, jurisdiction over which is relinquished by the taxing
 24 state to the other, and any liens or other rights accrued
 25 or accruing, including the right of collection, shall be fully
 26 recognized and the county treasurers of the counties or

1 other taxing authorities affected shall act as agents in car-
 2 rying out the provisions of this article; provided, that all
 3 liens or other rights arising out of the imposition of taxes,
 4 accrued or accruing, shall be claimed or asserted within
 5 five years after the compact becomes effective and if not
 6 so claimed or asserted shall be forever barred.

7 “(b) The lands, sovereignty over which is relinquished
 8 by the state of Missouri to the state of Nebraska, shall
 9 not thereafter be subject to the imposition of taxes in the
 10 state of Missouri from and after the effective date of the
 11 compact. The lands, sovereignty over which is relinquished
 12 by the state of Nebraska to the state of Missouri, shall
 13 not thereafter be subject to the imposition of taxes in the
 14 state of Nebraska from and after the effective date of the
 15 compact.

16 “ARTICLE VII

17 “PRIVATE RIGHTS

18 “(a) The compact shall not deprive any riparian
 19 owner of such riparian owner’s rights based upon riparian
 20 law and the establishment of the compromise boundary be-
 21 tween the states shall not in any way be deemed to change
 22 or affect the boundary line of riparian owners along the
 23 Missouri River as between such owners. The establishment
 24 of the compromise boundary shall not operate to limit such
 25 riparian owner’s rights to accretions across such com-
 26 promise boundary.

1 “(b) No private individual or entity claims of title to
 2 lands along the Missouri River, over which sovereignty is
 3 relinquished by the compact, shall be prejudiced by the
 4 relinquishment of such sovereignty and any claims or
 5 possessory rights necessary to establish adverse possession
 6 shall not be terminated or limited by the fact that the ju-
 7 risdiction over such lands may have been transferred by
 8 the compact. Neither state will assert any claim of title
 9 to abandoned beds of the Missouri River, lands along the
 10 Missouri River, or the bed of the Missouri River based
 11 upon any doctrine of state ownership of the beds or aban-
 12 doned beds of navigable waters, as against any land own-
 13 ers or claimants claiming interest in real estate arising
 14 out of titles, muniments of title, or exercises of jurisdiction
 15 of or from the other state, which titles or muniments of
 16 title commenced prior to the effective date of this compact.

17 “ARTICLE VIII

18 “READJUSTMENT OF BOUNDARY BY NEGOTIATION

19 “‘If at any time after the effective date of the compact
 20 the Missouri River shall move or be moved by natural
 21 means or otherwise so that the flow thereof at any point
 22 along the course forming the boundary between the states
 23 occurs entirely within one of the states, each state at the
 24 request of the other, agrees to enter into and conduct ne-
 25 gotiations in good faith for the purpose of readjusting the
 26 boundary at the place or places where such movement oc-

1 curred consistent with the intent, policy and purpose here-
 2 of that the boundary will be placed within the Missouri
 3 River.

4 “ARTICLE IX

5 “EFFECTIVE DATE

6 “(a) The compact shall become effective on the first
 7 day of January of the year after it is ratified by the gen-
 8 eral assembly of the state of Missouri and the legislature
 9 of the state of Nebraska and approved by the Congress
 10 of the United States.

11 “(b) As of the effective date of the compact, the state
 12 of Missouri and the state of Nebraska shall relinquish sov-
 13 ereignty over the lands described in the compact and shall
 14 assume and accept sovereignty over such lands ceded to
 15 them as provided in the compact.

16 “(c) In the event the compact is not approved by the
 17 general assembly of the state of Missouri and the legisla-
 18 ture of the state of Nebraska on or before October 1,
 19 1999, and approved by the Congress of the United States
 20 within three years from the date of such approval, the
 21 compact shall be inoperative and for all purposes shall be
 22 void.

23 “ARTICLE X

24 “ENFORCEMENT

25 “Nothing in the compact shall be construed to limit
 26 or prevent either state from instituting or maintaining any

1 action or proceeding, legal or equitable, in any court hav-
2 ing jurisdiction, for the protection of any right under the
3 compact or the enforcement of any of its provisions.

4 “ARTICLE XI

5 “AMENDMENTS

6 “The compact shall remain in full force and effect
7 unless amended in the same manner as that by which it
8 was created.”.

9 **SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL**

10 The right to alter, amend, or repeal this joint resolu-
11 tion is hereby expressly reserved. The consent granted by
12 this joint resolution shall not be construed as impairing
13 or in any manner affecting any right or jurisdiction of the
14 United states in and over the region which forms the sub-
15 ject of the compact.

16 **SEC. 3. CONSTRUCTION AND SEVERABILITY.**

17 It is intended that the provisions of this compact shall
18 be reasonably and liberally construed to effectuate the
19 purposes thereof. If any part or application of this com-
20 pact, or legislation enabling the compact, is held invalid,
21 the remainder of the compact or its application to other
22 situations or persons shall not be affected.

1 **SEC. 4. INCONSISTENCY OF LANGUAGE.**

2 The validity of this compact shall not be affected by
3 any insubstantial differences in its form or language as
4 adopted by the 2 states.

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